

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

FERNANDO TARTT,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:19cv169-MHT
)	(WO)
WALTER POSEY and JOSEPH)	
HEADLEY,)	
)	
Defendants.)	

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (Doc. 85) is adopted.

(2) Defendants Walter Posey and Joseph Headley's motion for summary judgment (Doc. 17 & Doc. 58) is granted in part and denied in part, as follows.

(a) Summary judgment is granted as to plaintiff Fernando Tartt's claims for damages against defendants Posey and Headley in their official capacities, and plaintiff Tartt's claims of retaliation and violation

of due process.

(b) Summary judgment is denied as to plaintiff Tartt's claim of excessive force against defendant Posey.

(3) Plaintiff Tartt's claims for injunctive relief are dismissed as moot.

(4) Judgment is entered in favor of defendants Posey and Headley and against plaintiff Tartt, with plaintiff Tartt taking nothing by his complaint, on his official-capacity claims for damages and on his retaliation and due-process claims.

(5) Defendant Headley is terminated as a party to this case. Defendant Posey is not terminated as a party.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed, and will be set for a pretrial conference and trial on the excessive-force

claim against defendant Posey by separate order.

DONE, this the 28th day of December, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE